

COMMITTEE ON JUDICIARY
SENATE AMENDMENTS TO H.B. 2480
(Reference to House engrossed bill)

1 Page 5, between lines 6 and 7, insert:

2 "Sec. 2. Section 13-1407, Arizona Revised Statutes, is amended to
3 read:

4 13-1407. **Defenses**

5 A. It is a defense to a prosecution pursuant to sections 13-1404 and
6 13-1405 involving a minor if the act was done in furtherance of lawful
7 medical practice.

8 B. It is a defense to a prosecution pursuant to sections 13-1404 and
9 13-1405 in which the victim's lack of consent is based on incapacity to
10 consent because the victim was fifteen, sixteen or seventeen years of age if
11 at the time the defendant engaged in the conduct constituting the offense the
12 defendant did not know and could not reasonably have known the age of the
13 victim.

14 C. It is a defense to a prosecution pursuant to section 13-1402,
15 13-1404, 13-1405 or 13-1406 if the act was done by a duly licensed physician
16 or registered nurse or a person acting under the physician's or nurse's
17 direction, or any other person who renders emergency care at the scene of an
18 emergency occurrence, the act consisted of administering a recognized and
19 lawful form of treatment that was reasonably adapted to promoting the
20 physical or mental health of the patient and the treatment was administered
21 in an emergency when the duly licensed physician or registered nurse or a
22 person acting under the physician's or nurse's direction, or any other person
23 rendering emergency care at the scene of an emergency occurrence, reasonably
24 believed that no one competent to consent could be consulted and that a
25 reasonable person, wishing to safeguard the welfare of the patient, would
26 consent.

1 D. It is a defense to a prosecution pursuant to section 13-1404 or
2 13-1405 that the person was the spouse of the other person at the time of
3 commission of the act. It is not a defense to a prosecution pursuant to
4 section 13-1406 that the defendant was the spouse of the victim at the time
5 of commission of the act.

6 E. It is a defense to a prosecution pursuant to section 13-1404 or
7 13-1410 that the defendant was not motivated by a sexual interest. It is a
8 defense to a prosecution pursuant to section 13-1404 involving a victim under
9 fifteen years of age that the defendant was not motivated by a sexual
10 interest.

11 F. It is a defense to a prosecution pursuant to ~~section~~ **SECTIONS**
12 13-1405 **AND 13-3560** if the victim is fifteen, sixteen or seventeen years of
13 age, the defendant is under nineteen years of age or attending high school
14 and is no more than twenty-four months older than the victim and the conduct
15 is consensual."

16 Renumber to conform

17 Page 5, between lines 34 and 35, insert:

18 **"D. THE DEFENSE PRESCRIBED IN SECTION 13-1407, SUBSECTION F APPLIES TO**
19 **A PROSECUTION PURSUANT TO THIS SECTION."**

20 Reletter to conform

21 Amend title to conform

2480kj
03/28/2008
11:55 PM
C: sp